

JUDGE COOK

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 1-9-75, by Pltfs.

D. C. Form No. 106A Rev.

TITLE OF CASE				ATTORNEYS			
CHARLES W. DOWNER; HARRIETTE D. DOWNER; ELIZABETH B. DRAPER; CHARLES W. DOWNER as Trustee for Alice P. Draper; CHARLES W. DOWNER, HARRIETTE D. DOWNER, ELIZABETH B. DRAPER, and CHARLES W. DOWNER as Trustee for Alice P. Draper, partners doing business as Pennsylvania Realty Associates; and WALTER G. THOMPSON VS TECOMA MINES, A Utah corporation, and EDWARD J. HARDEBECK <i>dismissed</i>				For plaintiff: Richard T. Sonberg <i>583-5985</i> 907 Philtower Building Tulsa, Oklahoma 74103 For defendant: Robert P. Hall (for Tecoma Mines) Cassil, Jackson & Hall 1622 United Founders Tower Ok. City, Ok. 73112 (405-848-5575) Robert E. Martin Beacon Building Tulsa, Okla. 74103			
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed <i>11/1/74</i>	Clerk		10-22-74	Sonberg	15 00	15 00	
			10-24-74	C/D #19			
J.S. 6 mailed <i>5-1-75</i>	Marshal						
Basis of Action: Securities fraud & suit on promissory note	Docket fee Witness fees						
Action arose at:	Depositions						

Sheet No. 1, Page No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-22-74	1. Complaint, filed. Summons issued. hm	
10-29-74	Return on summons, filed. Served Tecoma Mines, by serving Arnold Brannon, Pres., on 10-23-74 in Tulsa, Okla. (Fees: \$4.92)hm	
11-12-74	2. ANSWER of Tecoma Mines, filed. g and Motion to Dismiss.	
11-14-74	3. Memorandum brief of pltfs. in opposition to mot. to dismiss, filed. g	
11-14-74	4. Brief in support of motion to dismiss, filed. hm	
11-15-74	5. Pltfs.' suppl. brief in opposition to mot. to dismiss, fld. v	
11-15-74	6. Pltfs.' requests for admissions to Deft. Tecoma Mines, filed. v	
12-2-74	7. Notice by pltfs. to take depositions of Chas. W. Downer, Arnold Brannon & repr. of Tecoma Mines, filed. g	
12-16-74	8. Stipulation of parties that deft. Tecoma Mines may have 30 days to ans. the Request for Admissions, filed.k	
12-16-74	9. Order, filed, granting deft. Tecoma Mines til 1-18-75 to ans. Pltf's request for admissions. (LB-J)k cps mld	
12-16-74	Hearing held on motion of deft. Tecoma Mines to dismiss. Statements made. Motion overruled and case to be set on next pre-trial docket. Pltf. to prepare order. (LB-J)hm	
12-18-74	10. Order overruling motion to dismiss of deft. Tecoma Mines, filed. (LB-J)hm (copies mailed)	
12-18-74	11. Notice of voluntary dismissal without prejudice as to Edward J. Hardebeck, filed. hm	
1-8-75	12. Order, filed, transferring case to Judge Cook. (LB-J)v	
1-9-75	13. <u>Request for TRIAL BY JURY</u> , filed by Pltfs. v filed	
1-10-75	Deposition of Charles W. Downer taken on behalf of Deft. Tecoma before Frank L. Peterson, CSR, on 12-3-74 w/ costs of \$105.00.k	
1-20-75	14. Answers of deft. Tecoma Mines to requests for admissions, filed.hm	
2-28-75	MO: Case set for pre-trial hearing 4-1-75 at 4:30 p.m. (HDC-J)hm	
3-10-75	15. Interrogatories to Tecoma Mines, filed. g	
3-10-75	16. Pltfs' mot. for Summary Judgment, filed. g	
3-10-75	17. Brief in support of mot. for S/J, filed. g	
3-10-75	MO: Ordered that deft. file responsive brief within 10 days to motion for S/J. (HDC-J)hm	
3-19-75	Deposition of ARNOLD BRANNON on behalf of the Plf. taken by Loyd J. Christesson, CSR, fee of \$110.00 pd by Plf., filed. mm on 1-31-75	
3-21-75	MO: Ordered by the Court that upon the request of the deft., the case is stricken from the pre-trial assignment of 4-1-75; further (cont)	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	ordered that deft. be allowed an extension of 10 days from 3-20-75 to file responsive brief to motion for S/J. (HDC-J)hm (letter written)	
3-24-75	Case set for pre-trial hearing and hearing on pltfs' motion for S/J 4-10-75 at 10:00 a.m. (HDC-J)hm (notices mailed)	
3-28-75	18. Deft's brief in opposition to pltfs' mot. for S/J, filed. g	
4-7-75	19. Reply brief of pltf. in support of mo/SJ, filed. rm	
4-8-75	20. Application for additional time to answer pltfs' interrogatories, filed, and <u>denied</u> by Judge Cook. (HDC-J)hm (copies mailed)	
4-10-75	MO: Case called for hearing on pltfs' motion for S/J and pre-trial hearing. Statements made. Affidavit of Charles W. Downer, filed in open court. Deft. given 10 days to answer interrogatories, WITH no further extensions allowed, and 10 days to file affidavit of Jack Webber. Court takes ruling on motion for S/J under advisement. Parties to prepare and file PT order within 10 days, and case to be set for jury trial, dependent upon ruling on motion for S/J. (HDC-J)hm	
4-10-75	21. Affidavit of Charles W. Downer, filed in open court. hm	
4-21-75	22. Appl. by Plf. for Extension of Time to File Proposed Pre-Trial Order, filed. mm	
4-21-75	23. Order Granting Extension of Time to File Proposed Pre-Trial Order, filed. mm cps mld	
4-25-75	24. Stipulation & Agreement for Entry of Judgment, filed. mm	
4-28-75	25. Order of judgment, filed and entered, that pltfs. have judgment against deft. in following amts. on first claim: Charles W. Downer, \$17,300; Harriette D. Downer, \$17,300; Elizabeth B. Draper, \$17,300; Charles W. Downer, Trustee for Alice P. Draper Trust, \$17,300; Pennsylvania Realty Associates, \$34,600; Walter G. Thompson, \$17,300; that pltfs. have judgment against deft. in following amts. on fourth claim: Harriette D. Downer, \$14,000; Walter G. Thompson, \$14,000, etc., and that pltf. recover courts costs. (HDC-J)hm (copies mailed)	
6-23-75	26. Appl. of Pltfs. for Restraining Order and Order to Show Cause, filed. jj 0 to J	
6-23-75	27. Affidavit, filed. jj	
6-23-75	28. Plaintiff's Temporary Restraining Order & Order to Show Cause, filed. mm (HDC-J) cps by attorney	
6-30-75	Return on service of Restraining Order & Order to show Cause, filed: served Jack E. Webber and Dortha Webber at West Union, W. Va., 6-26-75, by Sheriff of Doddridge County, W. Va. (\$3.00)g	
7-14-75	MO: Case stricken from hearing on 7-16-75 and reset for hearing on order to show cause 7-18-75 at 2:30 p.m. (HDC-J)hm	
7-18-75	Evidentiary hearing held on order to show cause. Pltf. represented; deft. not represented. Statements made by pltf. counsel. Pltf's exhibits	

DATE	PROCEEDINGS	Date Order or Judgment Noted
	RECEIVED into evidence. Pltff's witness Milford Parker sworn and testifies. Pltff. to prepare order for Webbers to make full accounting & subpoena to be issued w/copy of said order attached in aid of judgment. Hearing set 8-22-75 at 10:00 a.m. (HDC-J)hm	
7-18-75	29. Order, filed, directing Clerk to issue subpoena duces tecum against Jack E. & Dorothea Webber requiring them to appear before this Court on 8-22-75 at 10:00 a.m.; TRO issued on 6-23-75 is continued in full force & effect through 8-22-75; copy of this order to be served with subpoena; Tecoma Mines shall also appear at said hearing. (HDC-J)hm (c/c to Sonberg)	
8-22-75	Case called for hearing on order to show cause and for accounting. Parties represented. Statements made. Mr. Sonberg announces certain stipulations. Court orders that previous order entered on 7-18-75 to remain in effect, pending written executed agreement by parties, to be submitted by 9-18-75. (HDC-J)hm	
9-9-75	30. Garnishment affidavit of Richard Sonberg, filed. Garnishment summons issued. rm	
9-9-75	Writ of execution issued. rm	
9-12-75	Appl. of pltfs. for TRO, prel. inj. & permanent inj., filed. rm	
9-12-75	TRO, filed, and order setting hearing on mo/prel. injunction for 11 a.m., 10/6/75. (HDC-J)rm-copies served by Sonberg	
9-23-75	Status report on settlement with Jack Webber, et ux, filed. hm	
9-24-75	Order, filed, whereby settlement agreement scheduled for 10-6-75 at 11:00 AM and TRO against Jack Webber & Dorothea Webber in effect til 10-6-75. (HDC-J) cps mld mm	
9-25-75	US Marshals service returned and executed on Parker Oil Field Service, Inc., Midwest City, Okla. on 9-23-75 W/fees of \$6.40, filed. mm	
10-2-75	Affidavit of Jack E. Webber, filed. g	
10-2-75	Affidavit of service of restraining order, filed. g	
10-3-75	Notice of Levy by IRS, filed. b	
10-6-75	Garnishee's answer, filed. g	
10-6-75	Hearing held on pltff's motion for preliminary injunction. Pltff. represented; deft. not represented. Pltff. announces proper notice has been given. Pltff. introduces exhibits 1&2 into evidence and files in open court Agreement, marked Ex. #2, in line w/oral stipulation heretofore made. Court retains jurisdiction until judgment is satisfied. Applic. for appointment of receiver, filed in open court. Court takes under advisement ruling on said applic. Mr. Sonberg to present preliminary injunction to Court for approval. Court sets bond in amt. of \$20,000. (HDC-J)hm	
10-6-75	Agreement, filed in open court. hm	
10-6-75	Applic. for appointment of receiver over Tecoma Mines, filed in open court. hm	
10-6-75	Order of preliminary injunction as to Tecoma Mines and Parker Oil-field Service, Inc., filed; and entered ^{and entered} pltfs granted 14 days to post bond in amt. of \$20,000.00. copies mld by cert. mail. g (HDC-J)g	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. <u>74-C-415</u>
Charles W. Downer et al	Tecoma Mines	PAGE <u>2</u> OF <u>5</u> PAGES

DATE	NR.	PROCEEDINGS
10-7-75		Application to Withdraw as Attorney of Record of Robert P. Hall, filed. mm
10-8-75		Affidavit of service of preliminary injunction, filed. g
10-20-75		Order, filed, that Webbers are released & discharged from previous restraining order & order to show cause entered herein; however, Court does retain jurisdiction over Webbers during period of time necessary to satisfy Order of Judgment previously entered. (HDC-J)hm (copies mailed)
10-28		Accounting of period 2-14-75 thru 8-15-75, filed. g
10-29		Plaintiffs' brief in support of appl. for appointment of receiver over Tacoma Mines, filed.k
11-25		Order, filed, denying pltfs' application for appt. of receiver. (HDC-J)g cpies mailed
12-18		Order, filed, denying appl. of Robert P. Hall to withdraw as atty. for Tecoma Mines, Inc. (HDC-J)g cpies mld.

PLAINTIFF	DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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PROCEEDINGS